

FILED

UNITED STATES DISTRICT COURT

OCT 05 2014

for the

Southern District of Texas

Clerk of Court

United States of America

v.

01 Juan Manuel Garcia YOB: 1996 USC

02 Eloy Mendoza Jr. YOB: 1988 USC

03 Jose Manuel Lovato-Balleza YOB: 1991 MX

Case No. m-14-1945-m

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 02, 2014 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

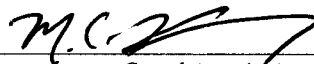
8 U.S.C. § 1324 (a)(1)(A)(ii), (a)(1)(A)
 (iii) and (a)(1)(A)(v)(I)

Knowing or in reckless disregard of the fact that Luis Augustin-Garcia(Guat.), David Canas-Arevalo (El Sal.), Mario Reyes-Lozano (El Sal.), and Miguel Landaverde-Bojorquez (El Sal.) were aliens, who had entered the United States in violation of law, knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, harbors, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law, and conspired to do the same.

This criminal complaint is based on these facts:

On October 02, 2014, Homeland Security Investigations, McAllen, Texas (HSI McAllen) was contacted by U.S. Customs and Border Protection (CBP) Office of Border Patrol (OBP) regarding a vehicle rollover on FM2221 just east of County Line Road in Hidalgo County, Texas. OBP Agents were involved Operation Short Stop when they observed a vehicle that appeared to be loaded with illegal aliens. A nearby OBP unit activated his lights causing the load vehicle to make a U-turn and run off road. Continued on ATTACHMENT "A".

✓ Continued on the attached sheet.




Complainant's signature

Martin C. Kehoe, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

10/5/2014

Judge's signature

City and state: McAllen, Texas

U.S. Magistrate Judge Dorina Ramos

Printed name and title

ATTACHMENT A

Agents located the accident scene and found a total of twelve illegal aliens, one of which was deceased as a result of the rollover.

Border Patrol Agent (BPA) Juan Oscar Martinez Jr. was one of the first agents on scene and began asking the illegal aliens who the driver was. BPA Martinez learned that the driver was a male. Agent Martinez observed a Hispanic male, later identified as Juan GARCIA, who was wearing a blue shirt. Agent MARTINEZ asked GARCIA if he was the driver, and GARCIA admitted that he was.

HSI agents conducted material witness interviews which revealed the following information:

Luis Alfredo Augustin-Garcia, a Guatemalan citizen, entered the United States illegally via the Rio Grande River. Augustin paid an unknown smuggler approximately \$70,000 pesos to travel from Guatemala to the U.S. Augustin stated that the vehicle transporting him wrecked. Augustin positively identified the driver and recalled the driver wearing a blue shirt.

On October 3, 2014, HSI Special Agents conducted follow-up investigative activity and located two additional illegal aliens that survived the wreck. The material witnesses stated the following:

David Ernesto Canas-Arevalo, an El Salvadorian citizen, paid an unknown smuggler approximately \$7,000 dollars to travel from El Salvador to Houston, Texas. Canas entered the United States illegally via the Rio Grande River on or about October 1, 2014. Canas stayed at a stash house in the area of Sullivan City which was maintained by Eloy MENDOZA jr., who he positively identified. Canas was transported by GARCIA, who he also positively identified. GARCIA later wrecked the vehicle, and Canas fled the scene to a nearby home.

Mario Edgardo Reyes-Lozano, an El Salvadorian citizen, illegally entered the United States via the Rio Grande River. Reyes was moved to a stash house which was operated by Eloy MENDOZA jr., who he positively identified. Reyes was transported by GARCIA, who he also positively identified. Reyes was stuffed between the feet of the driver and front passenger, and recalls GARCIA traveling at a high rate of speed. Reyes heard someone say on a radio phone (to GARCIA) that the police were near him. GARCIA then replied to stop calling, because they (the Border Patrol) were following him. GARCIA later wrecked the vehicle, and

Reyes fled the scene to a nearby home. Reyes described Jose Manuel LOVATO-Balleza and stated that LOVATO was a stash house operator and assisted MENDOZA.

On October 3, 2014, HSI Special Agents also encountered Eloy MENDOZA Jr. and Jose Manuel LOVATO-Balleza during a consent search of a residence. Agents located approximately 15 illegal aliens, 10 of which were in a shed that was locked from the outside. During a post-Miranda interview, MENDOZA revealed that he knows GARCIA as "El Demonio" and as "Juan Joya." MENDOZA admitted to assisting GARCIA by harboring illegal aliens at a profit of \$20 dollars per illegal alien. Mendoza estimated that he has done this for a couple of months.

During a post-Miranda interview, LOVATO stated that he aided Mendoza in the harboring of aliens. LOVATO assisted in feeding, obtaining water, moving illegal aliens to the load vehicle, and scouting for law enforcement. For his assistance he was provided \$30 dollars per alien. LOVATO admitted that he and MENDOZA harbored some of the illegal aliens that were involved in the fatal wreck. LOVATO also claims that MENDOZA was in possession of a handgun while harboring aliens. This firearm was later recovered by HSI McAllen.

One of the illegal aliens within MENDOZA's stash house was Miguel Angel Landaverde-Bojorquez, an El Salvadorian citizen, who entered the United States illegally via the Rio Grande River on or about September 30, 2014, in a group of seven illegal aliens. Landaverde and the six other illegal aliens were picked up by a red truck and taken to the stash house that they were apprehended at. Upon arrival, LOVATO directed the illegal aliens into the stash house. LOVATO fed the illegal aliens and provided instructions to stay quiet and not to leave the building. Mendoza repeated these actions the following day. Landaverde positively identified both MENDOZA and LOVATO as the caretakers of the stash house.